

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SMASH ENTERPRISES PTY LTD., an §
Australian corporation §
§
Plaintiff, §
§
v. § Cause No. 4:16-CV-00490
§
URMAN, INC., a Delaware §
corporation; and MANUEL DEL §
CASTILLO, an individual, §
§
Defendants. §

DEFENDANT MANUEL DEL CASTILLO'S ORIGINAL ANSWER

TO THE HONORABLE COURT:

Manuel Del Castillo files this answer to the Original Complaint filed by Smash Enterprises Pty Ltd:

1. This Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 1.
2. This Defendant admits the allegations contained in Paragraph 2.
3. This Defendant admits the allegations contained in Paragraph 3.
4. This Defendant denies the allegations contained in Paragraph 4.
5. This Defendant denies the allegations contained in Paragraph 5.
6. This Defendant admits there is diversity of citizenship between itself and Smash but denies the remaining allegations contained in Paragraph 6.
7. This Defendant denies the allegations contained in Paragraph 7 as to this Defendant.
8. This Defendant admits the allegations contained in Paragraph 8.

9. This Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 9.

10. This Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 10.

11. This Defendant admits the allegations in Paragraph 11.

12. This Defendant admits that the Agreement provided it was to be the exclusive Distributor but denies Plaintiff complied with the Agreement.

13. This Defendant denies that the Agreement was renewed as alleged in Paragraph 13.

14. This Defendant denies the allegations contained in Paragraph 14.

15. This Defendant admits the allegations contained in Paragraph 15.

16. This Defendant denies the allegations contained in Paragraph 16.

17. This Defendant denies the allegations contained in Paragraph 17.

18. This Defendant denies the allegations contained in Paragraph 18.

19. This Defendant denies the allegations contained in Paragraph 19.

20. This Defendant denies the allegations contained in Paragraph 20.

21. This Defendant denies the allegations contained in Paragraph 21.

22. This Defendant denies the allegations contained in Paragraph 22.

23. This Defendant denies the allegations contained in Paragraph 23.

24. No answer is required and this Defendant adopts its responses to Paragraphs 1-23.

25. This Defendant admits that Smash and Urman entered into an Agreement in 2011 but denies it can be the basis of Plaintiff's claims.

26. This Defendant denies the allegations contained in Paragraph 26.

27. This Defendant denies the allegations contained in Paragraph 27.

28. This Defendant denies the allegations contained in Paragraph 28.
29. This Defendant denies the allegations contained in Paragraph 29.
30. No answer is required and this Defendant adopts its responses to Paragraphs 1-29.
31. This Defendant denies the allegations contained in Paragraph 31.
32. This Defendant denies the allegations contained in Paragraph 32.
33. This Defendant denies the allegations contained in Paragraph 33.
34. This Defendant denies that Plaintiff is entitled to the relief that it seeks.

Affirmative Defenses

35. Manuel Del Castillo specifically denies that he is the alter ego of Urman.
36. Manuel Del Castillo specifically denies that he is a shareholder of Urman.
37. Manuel Del Castillo specifically alleges that Urman has maintained all corporate formalities.
38. Manuel Del Castillo specifically alleges that the only basis for a claim of alter ego against a shareholder is governed by Texas law, V.T.C.A., Business Organizations Code Section 21.223.

Prayer

WHEREFORE, Manuel Del Castillo, Defendant, after having fully answered, respectfully requests that Plaintiff take nothing by reason of its suit against the Defendant; and that the Defendant be allowed to recover its costs and attorney's fees; and be awarded such other and further relief, both in law and in equity, as the Court may deem just and proper.

Respectfully submitted,

/s/ William C. Ferebee

William C. Ferebee
State Bar No. 06907500
Fed ID 7017
wferebee@ofmflaw.com
O'DONNELL, FEREBEE, & FRAZER, P.C.
Two Hughes Landing
1790 Hughes Landing Blvd., Suite 550
The Woodlands, Texas 77380
281-875-8200
281-875-4962 (fax)
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing was delivered to all counsel of record at the addresses below in accordance with the Federal Rules of Civil Procedure on the 10th day of March, 2016.

Steven A. Heath
saheath@heathsteinbeck.com
HEATH & STEINBECK, LLP
5777 W. Century Blvd., Suite 1670
Los Angeles, California 90045
Telephone: 213-335-6245
Facsimile: 213-335-6246
ATTORNEY FOR PLAINTIFF

/s/ William Ferebee
William Ferebee